

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

Rec'd PCT/PTO 08 OCT 2004

PCT

To:

see form PCT/ISA/220



WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

<p>Applicant's or agent's file reference see form PCT/ISA/220</p>			<p>Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</p>
<p>International application No. PCT/JP2004/002684</p>	<p>International filing date (day/month/year) 03.03.2004</p>	<p>Priority date (day/month/year) 03.03.2003</p>	
<p>International Patent Classification (IPC) or both national classification and IPC H04L12/56, H04H1/08, H04Q7/22, H04L29/08, H04L29/06</p>			
<p>Applicant MATSUSHITA ELECTRICAL INDUSTRIAL CO., LTD.</p>			

1. This opinion contains indications relating to the following items:

- Box No. I Basis of the opinion
- Box No. II Priority
- Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- Box No. IV Lack of unity of invention
- Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- Box No. VI Certain documents cited
- Box No. VII Certain defects in the international application
- Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

<p>Name and mailing address of the ISA:</p> <p> European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</p>	<p>Authorized Officer</p> <p>Jimenez Hernandez, P Telephone No. +49 89 2399-7938</p>

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/JP2004/002684

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 a sequence listing
 table(s) related to the sequence listing
 - b. format of material:
 in written format
 in computer readable form
 - c. time of filing/furnishing:
 contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.
3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
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Box No. II Priority

1. The following document has not been furnished:

- copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
 translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N) Yes: Claims 1-13
No: Claims

Inventive step (IS) Yes: Claims 1-13
No: Claims

Industrial applicability (IA) Yes: Claims 1-13
No: Claims

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/JP2004/002684

Re Item V.

1. The following documents are referred to in this communication:
 - D1 : US 2002/010763 A1 (SALO JUHA ET AL) 24 January 2002 (2002-01-24)
 - D2 : EP 1 237 302 A (RAI RADIOTELEVISIONE ITALIANA) 4 September 2002 (2002-09-04)
 - D3 : US 6 122 263 A (DAHLIN STEINAR ET AL) 19 September 2000 (2000-09-19)
 - D4 : WO 99/18684 A (ANGLIN RICHARD JR) 15 April 1999 (1999-04-15)
 - D5 : HORN U ET AL: "INTERACTIVE MOBILE STREAMING SERVICES THE CONVERGENCE OF BROADCAST AND MOBILE COMMUNICATION" EBU REVIEW- TECHNICAL, EUROPEAN BROADCASTING UNION. BRUSSELS, BE, no. 281, 21 September 1999 (1999-09-21), pages 14-19, XP000862720 ISSN: 0251-0936
2. The subject-matter of claim 1 meets the requirements of novelty and inventive step (Art. 33(1)-(3) PCT):
 - 2.1 Claim 1 relates to a mobile terminal capable or reception both over a broadcast channel and over a cellular network.

D1, which relates to a mobile terminal of the same type, is considered as the closest prior art. D1 discloses, in the terminology of claim 1, a mobile terminal which receives a broadcast program and program data through communication via a network (abstract, Fig. 2).
 - 2.2 Claim 1 is distinguished from **D1** in that the receiver is arranged to receive program data through communication via a network **identical in content** with the broadcast program data, and in that the receiver is arranged to switch between the two reception modes according to a state determining section, as well as to have the delivery of the program data over the network adapted according to the state-specific requirements (claim 1, lines 6-19).
 - 2.3 The objective problem starting from **D1** is how improve the reliability of program reception in a dual-mode mobile terminal.

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- 2.4 None of remaining documents cited in the Search Report (**D2-D5**) disclose the distinguishing features in point 2.2. Therefore an inventive step must be acknowledged.
3. The subject-matter of independent claims 11, 12 and 13 meets the requirements of Art. 33(1)-(3) PCT:
 - 3.1 Claim 11 is characterized by method step features corresponding to the apparatus features in claim 1, since these are characterized by being arranged to carry out said method steps. The subject-matter of claim 11 corresponds effectively to that of claim 1 in the method category, and the reasoning in point 2 also applies to the subject-matter of claim 11.
 - 3.2 Claims 12 and 13 claim software ("computer program" and "recording medium having recorded thereon a computer program..." respectively) which is characterized by carrying out the method steps of claim 11. Therefore, the reasoning in the previous points also applies to the subject-matter of these claims.
4. The dependent claims 2-10 further limit independent claim 1 and likewise meet the requirements of Art. 33(1)- (3) PCT.